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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,790	09/29/2003	Haruhiko Kinoshita	8046-1042	9901
<div>466 7590 06/30/2008</div> <div>YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,790

Applicant(s)

KINOSHITA, HARUHIKO

Examiner

ALAN LUONG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The art unit is changed into 2623.

Response to Amendment

This Office Action is responsive to the Amendment filed on 02/ 29/ 2008.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9 recite "A **program instructing a computer** ... "

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0057799 A1 issued to Kohno; in view of US 2001/0047517 A1 to Christopoulos et al.

Regarding claim 1. Figs. 1, 56 of Kohno illustrate a movie distribution from movie provider [500] “delivering a content to a plurality of users” as movie theaters [502a, 502b, 502c] from a plurality of movie distribution company [501a, 501b, 501c...etc] wherein movies are received from [500] “through a network” [7]. Figs. 2 and 3 of Kohno also illustrate “a server” [1] is located in the movie production provider [500] comprises: “a first memory [12] for storing user information corresponding to each of the users [502], the user information indicating at least content replaying environment of the user (Kohno, ¶¶0279-¶0283); the server [1] also has “a format converter” [19] for converting the content into a format-converted content for the user (Kohno, ¶¶0273-¶0277). Moreover, the server [1] contains “a transmitter [31] for transmitting the format-converted content to the user through the network [7] (¶0283-¶0286). However, Kohno reference is silent with “a second memory for storing a plurality of format conversion programs each corresponding to a plurality of predetermined content replaying environments; a format conversion selector for selecting a most suitable one from the format conversion programs that convert content into the format according to the most suitable format conversion program to produce based on the content replaying environment of the user, wherein the most suitable format conversion program provides a format most suitable for the content replaying environment of the user”;

In an analogous art directed toward a similar problem namely improving the results from a second memory for storing a plurality of format conversion programs. Figs. 1, 2 of Christopoulos illustrate a server [110] has “a memory” [113] “stores multimedia data along with transcoding hints as “a plurality of format conversion

programs" The server [110] communicates to a Gateway [120] which contains "a format conversion selector" [125] that reformats the multimedia data along with transcoding hints that "each corresponding to a plurality of predetermined content replaying environments" (**Christopoulos, ¶0035-¶0036**). Fig. 3 of Christopoulos also shows the format conversion selector [125] receives the request for multimedia data from client "selecting a most suitable one from the format conversion programs based on the content replaying environment of the user" (**Christopoulos, Fig. 3, ¶0037-¶0038**), and Fig. 5 of Christopoulos illustrates various "the format conversion programs" which can be used for transcoding video information. "The format conversion programs" can include bit rate hints, reuse hints, computational area hints, prediction hints, macroblock hints and video mixing hints. The bit rate format conversion program is "the most suitable format conversion program provides a format most suitable for the content replaying environment of the user" (**Christopoulos, Fig. 5, ¶0046**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Prior Art of Kohno with media content format conversion method as taught by Christopoulos; In order to maximize integration of various quality multimedia services, such as, for example, video services, a single coding scheme which can provide a range of formats would be desirable. Such a coding scheme would enable users, both clients and servers capable of processing and providing different qualities of multimedia content to communicate with each other. (**Christopoulos, ¶0019**)

Regarding claim 2. The server according to claim 1, Kohno also teaches [the playback apparatus 3 of each movie theater 502, see Fig.1 and 5, the digital projector 3a of Fig. 6] meets “wherein the content replaying environment of the user includes a type of replaying equipment of the user” (see ¶0337, ¶ 0338, ¶0361).

Regarding claim 3. The server according to claim 1, Fig. 3 of Kohno shows “wherein the content is included in a content delivery request” by the distribution controller [13] (¶0285) and is “received from a content owner [server 1], wherein the content delivery request further includes delivery destination identifying each of the users” as content ID, destination identifier ID1, ID2...etc, (see¶0280).

Regarding claim 4. According to claim 3, Kohno further discloses the server above comprising a content storage section (Movie Data Base 16 of Fig. 3) for storing the content received from the content owner (from server 1 of Fig. 3) (see ¶0283, ¶0284).

Regarding claim 5. Kohno further teaches the server according to claim 1, wherein the content is a movie content, which identifies an environment of a movie theater of the user (Kohno, ¶0356, ¶0361), but Kohno reference is silent with “the content replaying environment of the user includes screen information, projector information, and sound information”. Additional, Fig. 4 of Christopoulos shows “the content replaying environment of the user includes screen information (see Christopoulos, ¶0039), Fig. 6 shows “projector information” (see Christopoulos, ¶0047), and sound information” (see ¶0008).

Regarding claim 6. Fig. 3, 5 of Kohno show a server [1] and [2] for delivering a content to a plurality of users through a network [7], comprising: a first memory [12] for storing user information corresponding to each of the users, the user information indicating at least content replaying environment of the user; and Kohno and Rosen reference combine teach "a second memory [16] for storing a plurality of format conversion programs each corresponding to a plurality of predetermined content replaying environments (**see claim 1 rejection**). Additional, Fig. 6 of Kohno illustrates a third memory [compressed data storage 208 in a playback apparatus 3] for storing correspondences between the users and the plurality of format conversion programs, wherein each of the correspondences is determined by selecting a most suitable one from the format conversion programs based on the content replaying environment of each of the users (see Kohno, ¶¶0350, ¶¶0351 and ¶¶0353); and a format converter for converting the content into the format according to a format conversion program as taught by Christopoulos in claim 1; (see Christopoulos, ¶¶0035-¶¶0038,¶ 0046); which is determined by searching the third memory for a corresponding user (¶¶0356, ¶¶0358.), to produce a format-converted content for the user (¶¶0361, ¶¶0362, ¶¶0363, and ¶¶0364) ; and a transmitter (31 of Fig. 3 and 115 of Fig. 5) for transmitting the format-converted content to the user through the network (see ¶¶0285, ¶¶0286, ¶¶0325 and ¶¶0326).

However, Kohno and Christopoulos fail to disclose one server has 3 memories whereas the server and the memory of the prior art comprise the storage (or memory) in server at different locations which link together by communication network as Internet.

It would have be considered a matter of obvious design choice to integrate these separate memories to a single server unit because the system with either three separate memories or one integral unit would have performed the same function and furthermore the use of a one piece structure or separate structure would be merely a matter of obvious engineering choice; (see MPEP 2144.04).

Regarding claim 7. The scope of claim 7 is substantially the same or slightly broader than claim 1, since method in claim 7 requires every structural element of claim 1. Thus, claim 7 is also rejected for the same reasons provided in the rejection of claim 1.

Regarding claim 8. Figs 1, 56 of Kohno illustrate a system for delivering a content from a content owner [500] to a plurality of users [502a, 502b, 502c...] through a network [7], and Fig. 5 illustrates "a content providing server [relay server 2] includes receiver [101] that receives the content from" transmitter [31 of Fig. 3] is located in server [1] of "the content owner" [500] through transmission line [7], contents are demodulated, decrypted/encrypted before store in a compressed data storage unit [109]. Upon request of user, Data Base controller [113] and distribution controller [112] will retrieve the compressed contents based on user destination ID stored in storage [11] and transmission unit [115]"sends it to each of the users" [502],**(Kohno, ¶0316- ¶0317 and ¶0326)** wherein the content providing server [2] comprises: a first memory [107] for storing user information corresponding to each of the users, the user information indicating at least content replaying environment of the user **(Kohno, ¶0330)**; and a transmitter [115] for transmitting the format-converted content to the user through the network [7] **(¶0335- ¶0338)**.

However, Kohno fails to teach "a second memory for storing a plurality of format conversion programs each corresponding to a plurality of predetermined content replaying environments; a format conversion selector for selecting a most suitable one from the format conversion programs based on the content replaying environment of the user, wherein the most suitable format conversion program provides a format most

suitable for the content replaying environment of the user; a format converter for converting the content into the format according to the most suitable format conversion program to produce a format-converted content for the user".

In an analogous art directed toward a similar problem namely improving the results from a second memory in the content provider; for storing a plurality of format conversion programs. Figs. 1, 2 of Christopoulos illustrate a server [110] has "a memory [113] "stores multimedia data along with transcoding hints as "a plurality of format conversion programs" The server [110] communicates to a Gateway [120] which contains "a format conversion selector "[125] that reformats the multimedia data along with transcoding hints that "each corresponding to a plurality of predetermined content replaying environments" (**Christopoulos, ¶0035-¶0036**). Fig. 3 of Christopoulos also shows the format conversion selector [125] receives the request for multimedia data from client "selecting a most suitable one from the format conversion programs based on the content replaying environment of the user" (**Christopoulos, Fig. 3, ¶0037-¶0038**), and Fig. 5 of Christopoulos illustrates various "the format conversion programs" which can be used for transcoding video information. "The format conversion programs" can include bit rate hints, reuse hints, computational area hints, prediction hints, macroblock hints and video mixing hints. The bit rate format conversion program is "the most suitable format conversion program provides a format most suitable for the content replaying environment of the user" (**Christopoulos, Fig. 5, ¶0046**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Prior Art of Kohno with media content format conversion method

as taught by Christopoulos; In order to maximize integration of various quality multimedia services, such as, for example, video services, a single coding scheme which can provide a range of formats would be desirable. Such a coding scheme would enable users, both clients and servers capable of processing and providing different qualities of multimedia content to communicate with each other. **(Christopoulos, ¶0019).**

Regarding claim 9. The scope of claim 9 is substantially the same or slightly broader than claim 8, since a computer program in claim 9 requires to be executed by every structural element of claim 8. Thus, claim 9 is also rejected for the same reasons provided in the rejection of claim 8.

Regarding claim 10. (New) The server according to claim 1, wherein the second memory contains format conversion programs for different usage conditions. **(Christopoulos, Fig. 5, ¶0046).**

Regarding claim 11. (New) The server according to claim 4, Fig. 5 of Kohno shows "wherein the content storage section [109] comprises a hard disc drive" **(Kohno, ¶0327).**

Regarding claim 12. (New) Fig. 5 of Kohno shows the server [2] according to claim 6, further comprising a content storage section [109] for storing content received from a content owner " as server [1] of owner [500]. **(Kohno, ¶0326).**

Regarding claim 13. (New) The server according to claim 12, wherein the content storage section comprises a hard disc drive. **(Kohno, ¶0327).**

Regarding claim 14. (New) The server according to claim 6, wherein the second memory contains format conversion programs for different usage conditions.

(Christopoulos, Fig. 5, ¶0046)

Regarding claim 15. (New) The method according to claim 7, wherein the network includes a content storage section [109] for storing content received from a content owner "as server [1] of owner [500]. **(Kohno, ¶0326).**

Regarding claim 16. (New) The method according to claim 15, Fig. 5 of Kohno shows "wherein the content storage section [109] comprises a hard disc drive" **(Kohno, ¶0327).**

Regarding claim 17. (New) The system according to claim 8, wherein the network includes a content storage section [109] for storing content received from a content owner "as server [1] of owner [500]. **(Kohno, ¶0326).**

Regarding claim 18. (New) The system according to claim 17, Fig. 5 of Kohno shows "wherein the content storage section [109] comprises a hard disc drive" **(Kohno, ¶0327).**

Regarding claim 19. (New) The system according to claim 9, wherein the network includes a content storage section [109] for storing content received from a content owner "as server [1] of owner [500]. **(Kohno, ¶0326).**

Regarding claim 20. (New) The system according to claim 19, Fig. 5 of Kohno shows "wherein the content storage section [109] comprises a hard disc drive" (**Kohno, ¶0327**).

Response to Arguments

Applicant's arguments, see "KOHNO reference fails to disclose "a second memory contains format conversion programs each corresponding to a plurality of predetermined content replaying environments." (Remark, page 14)., filed 02/29/2008, with respect to the rejection(s) of claims 1, 6 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0057799 A1 issued to Kohno; in view of US 2003/0001904 by Rosen et al. have been fully considered and are persuasive. The rejections of claims 1, 6, and 7 have been withdrawn.

Applicant's arguments, see "In order to perfect priority, a verified translation of Japanese Application 2002-282702 will follow to thus remove PARKER et al. as prior art." (Remark, page 16), filed 02/29/2008, with respect to the rejection(s) of claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over PARKER et al (US Publication 2002/0117828 (in view of ROSEN et al.)). And claim 9 has been rejected under 35 U.S.C. 102(e) as being anticipated by PARKER et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of US 2001/0047517 A1 by to Christopoulos et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 2623
June 19, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623